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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 TODD MICHAEL SCHULTZ,

11 Plaintiff,

12 v.

13 MICHAEL C. THOMPSON, et al.,

14 Defendants.  
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No. 2:23-cv-10759-JAK (MRWx)

**ORDER RE EX-PARTE  
APPLICATIONS FOR  
CLARIFICATION ON  
PREREGISTRATION DATES AND  
DEADLINES TO REGISTER,  
RELIEF IN LEGAL BILLS AND  
SCRUTINY OVER PAST  
STATEMENTS AND ASSOCIATED  
RELIEF (DKTS. 16, 17)**

1 Based on a review of the Ex-Parte Applications for Clarification on Preregistration  
2 Dates and Deadlines to Register, Relief in Legal Bills and Scrutiny Over Past Statements  
3 and Associated Relief (the “Applications” (Dkts. 16, 17)), insufficient good cause has  
4 been shown for the requested relief. Therefore, the relief requested through the  
5 Applications is **DENIED**, for the reasons stated in this Order.

6 It appears Plaintiff seeks the following ten forms of relief: (a) declaratory  
7 judgment as to the timeliness of his copyright preregistration and as to the necessary  
8 deadline(s) for registering his copyrights; (b) an order compelling Defendants to turn  
9 over certain video files allegedly in their possession; (c) an order requiring Defendants to  
10 pay for counsel for Plaintiff; (d) an order that Defendants stop communicating with  
11 Plaintiff until the case is resolved; (e) sanctions against Google’s counsel for making an  
12 argument that was rejected in Plaintiff’s prior case; (f) an order expediting this litigation;  
13 (g) certain discovery from Google; (h) the Court investigate certain conduct by  
14 YouTube; (i) the Court identify every deficiency in the materials Plaintiff has submitted;  
15 and (j) additional injunctive and declaratory relief against the Defendants.

16 The relief sought in items (a), (c), (f), and (g) is premature. Assuming this action  
17 proceeds, the timeliness of Plaintiff’s copyright preregistration and any subsequent  
18 registrations will have to be resolved based on discovery and thereafter potentially by a  
19 motion for summary judgment or at a trial. Further, although Plaintiff’s probability of  
20 success can sometimes be evaluated in the context of a temporary restraining order,  
21 issuing a ruling on the legal issues raised by Plaintiff without providing Defendants with  
22 an opportunity to respond is not appropriate. Also, ruling on a dispute that has not yet  
23 been presented by the parties would require the issuance of an advisory opinion, which is  
24 not permitted. *Cf. North Carolina v. Rice*, 404 U.S. 244, 246 (1971) (“To be cognizable  
25 in a federal court,” a dispute must “touch[] the legal relations of parties having adverse  
26 legal interests,” among other things.). An award of attorney’s fees may be available to  
27 Plaintiff, but they cannot be awarded unless and until he has incurred them, and has  
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1 prevailed on at least one of the claims for which an award of such fees is available. A  
2 schedule for this litigation cannot be set until Defendants are served and any motions to  
3 dismiss are resolved. Similarly, discovery will not commence until after all parties have  
4 appeared.

5 With respect to items (b) and (d), the Applications are denied for the same reasons  
6 as the prior application for a TRO. Although Plaintiff has submitted an affidavit, it does  
7 not cure the deficiencies identified in the previous order. *Compare* Dkt. 14 *with* Dkt. 15.

8 As for item (e), making an unsuccessful argument in a previous case is not a *per*  
9 *se* basis for an award of sanctions in a subsequent case. Further, an award of sanctions  
10 would have to be based on a finding that the argument was frivolous, not that it was  
11 simply incorrect.

12 Items (h) and (i) are inconsistent with the role of a judge in an adversarial system.  
13 That role is to serve as an impartial bench officer by ruling on cases and controversies  
14 presented by both parties; it is not to conduct investigations. Items (h) and (i) also  
15 present issues as to due process and the issuance of advisory opinions.

16 Finally, as to item (j), the additional relief requested is too vague to be granted.

17 In a related case, Plaintiff was previously cautioned about filing any of the  
18 following: ex parte applications and other emergency motions in the absence of an  
19 emergency; motions for sanctions against opposing counsel without adequate legal  
20 support; motions seeking premature relief; and other similarly deficient motions. *See*  
21 *Schultz v. Thompson*, Case No. 2:23-cv-03452-JAK-MRW (C.D. Cal. Oct. 4, 2023),  
22 Dkts. 7, 43, 44, 49, 61, 62, 63, 83, 88, 89, 90, 94, 96. Those warnings apply to this  
23 matter. Accordingly, if Plaintiff makes further filings of this nature in this action, it may  
24 result in the issuance of an Order to Show Cause why sanctions should not be imposed  
25 and/or the matter dismissed.  
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1 **IT IS SO ORDERED.**

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3 Dated: January 16, 2024



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John A. Kronstadt

5 United States District Judge  
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